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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,911	08/21/2000	Mitsunori Okagaki	6822/62934	7492

7590 06/18/2004

William E Pelton  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, NY 10036

EXAMINER

YANG, RYAN R

ART UNIT	PAPER NUMBER
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2672

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DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/642,911

Applicant(s)

OKAGAKI, MITSUNORI

Examiner

Ryan R Yang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 20.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/5/2004 has been entered.

2. This action is responsive to communications: Amendment, filed on 4/5/2004. This action is non-final.

3. Claims 1 and 2 are pending in this application. Claims 1 and 2 are independent claims. In the Amendment, filed on 4/5/2003, claims 1 and 2 were amended.

This application is a Continuation of PCT/JP99/07248 dated 12/22/1999.

4. The present title of the invention is "Communication terminal" as filed originally.

### ***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Asuma et al. (5,684,970).

As per claim 1, Asuma et al., hereinafter Asuma, discloses a communication terminal comprising:

a display unit (14) which displays an original selection screen for selecting at least one of a plurality of options (Figure 1 103);

display control means (11) which causes display of options in said display unit by division or scroll (Figure 1 102 CPU is display control; "When an up cursor key is pressed indicating a currently user-selected icon, the reverse display moves down; when a right cursor key is pressed, the reverse display moves to the right; and when a left cursor key is pressed, the reverse display moves to the left", column 17, line 27-32); and

a key for selecting an option not currently displayed in said display unit from the options to be selected ("Also, the user is guided that the selection can be made by entering a number from the numeric key portion 2423c", column 17, line 32-34);

said display control means causing, when an option not currently displayed has been selected, display of a screen associated with said selected option in said display unit and performing a display so as to include said selected option when displaying said original selection screen next by operating a key (Figure 9 909 determines if a icon is selected, then the process loop back through 918 and 919 to display the next display; "processing unique to the selected function is performed and the processing of the function is terminated when the user operates an end key. Then, the processing goes back to step 902 to display the menu", column 10, line 36-38).

7. As per claim 2, Asuma discloses a communication terminal comprising:

a display unit (14) which displays an original selection screen for selecting at least one of a plurality of options (Figure 103);

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display control means (11) which causes display of options in said display unit by division or scroll ("Figure 1 102 CPU is display control; "When an up cursor key is pressed indicating a currently user-selected icon, the reverse display moves down; when a right cursor key is pressed, the reverse display moves to the right; and when a left cursor key is pressed, the reverse display moves to the left", column 17, line 27-32); and

a key for selecting an option not currently displayed in said display unit from the options to be selected ("Also, the user is guided that the selection can be made by entering a number from the numeric key portion 2423c", column 17, line 32-34);

said display control means causing, when an option not currently displayed has been selected, display of a screen associated with said selected option in said display unit and causing display of information indicating said selected option when displaying said original selection screen next by operating a key (Figure 9 909 determines if a icon is selected, then the process loop back through 918 and 919 to display the next display; "processing unique to the selected function is performed and the processing of the function is terminated when the user operates an end key. Then, the processing goes back to step 902 to display the menu", column 10, line 36-38).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Inquiries***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ryan Yang** whose telephone number is **(703) 308-6133**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi**, can be reached at **(703) 305-4713**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

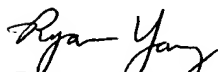
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 305-47000377.

  
Ryan Yang  
June 13, 2004